A Bill for the Regulation of Wireless Telegraphy in Mysore.

Whereas it is expedient to regulate the establishment, maintenance, working and possession of wireless telegraphy apparatus in Mysore; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Wireless Telegraphy Regulation, 193 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context:—

(1) "Wireless communication" means the making, transmitting or receiving of telegraphic, telephonic or other communications by means of electricity or magnetism without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus;

(2) "wireless telegraphy apparatus." means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article determined by rule made under Section 14 to be wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially so designed or adapted, nor any article determined by rule made under Section 14 not to be wireless telegraphy apparatus; and

(3) "prescribed" means prescribed by rules made under Section 14.

Prohibition of possession of wireless telegraphy apparatus without license.

3. Save as provided by Section 4, no person shall establish, maintain, work or possess wireless telegraphy apparatus except under and in accordance with a license issued under this Regulation.

Power of Government to exempt persons from provisions of the Regulation.

4. The Government may by rules made under this Regulation exempt any person or any class of persons from the provisions of this Regulation either generally or subject to prescribed conditions, or in respect of specified wireless telegraphy apparatus.

Licenses.

5. (1) The Government may, by notification in the Official Gazette, constitute the authority who shall be competent to issue licenses to establish, maintain, work or possess wireless telegraphy apparatus under this Regulation. Such authority may issue licenses in such manner, subject to such restrictions and conditions and subject to such payments, as may be prescribed.

Revocation of Licenses.

(2) The Government or the authority constituted under sub-section (1) may, at any time, revoke any license granted thereunder on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

6. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Government, or any officer specially authorized in this behalf by the Government, may

(*a*) take temporary possession of any wireless telegraphy apparatus established, maintained, worked or possessed by any person licensed under this Regulation; or

(*b*) order that any wireless communication or class of wireless communications to or from any person or class of persons or relating to any subject shall not be transmitted by any wireless telegraphy apparatus or shall be intercepted or detained, or disclosed to the Government or an officer thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under sub-section (1) was in the interest of the public safety, a certificate signed by a Secretary to the Government shall be conclusive proof on this point.

Offence and penalty.

7. (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of Section 3 shall be punished, in the case of the first offence with fine which may extend to one hundred rupees, and in the case of a second or subsequent offence with fine which may extend to two hundred and fifty rupees.

(2) For the purposes of this section, a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge, or is located in any premises or place over which he has effective control.

8. Whoever establishes, maintains or works wireless

telegraphy apparatus in contravention of the provisions of Section 3 shall be punished with imprisonment which may extend to three years or with fine or with both.

Power of search.

9. If the holder of a license granted under Section 3 contravenes any condition contained in his license, he shall be punished with fine which may extend to one thousand rupees and with a further fine which may extend to five hundred rupees for every week during which the breach of the condition continues.

10. (1) The District Magistrate, or a Magistrate of the First Class or a Magistrate of the Second Class specially empowered by the Government in this behalf, may issue a warrant for the search, at any time between sunrise and sunset, of any building, or place in which he has reason to believe that any wireless telegraphy apparatus in respect of which an offence punishable under this Regulation has been committed, is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed may enter into any building, or place mentioned in the warrant and seize any wireless telegraphy apparatus in respect of which he has reason to believe an offence under this Regulation has been committed.

11. (1) If in the trial of an offence under this section, the accused is convicted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and if it so decides, may order confiscation accordingly.

Apparatus confiscated or having no owner to be property of Government.

(2) All wireless telegraphy apparatus confiscated under sub-section (1) and all wireless telegraphy apparatus having no ostensible owner shall be the property of the Government.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1904, offences under this Regulation shall, for the purposes of the said Code, be bailable and non-cognisable.

Power of court to direct payment of fines to prescribed authority.

13. A Court inflicting a fine as punishment for any offence under this Regulation or Rules made thereunder may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of any Broadcasting Service approved in this behalf by the Government.

Power of Government to make rules.

14. (1) The Government may, by notification in the Official Gazette, make rules for the purposes of the carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) determining that any article or class of article shall be or shall not be wireless telegraphy apparatus for the purposes of this Regulation;

(*ii*) the exemption of persons or classes of persons under section 4 from the provisions of this Regulation;

(*iii*) the manner of and the conditions governing the issue, renewal, suspension and cancellation of licenses, the form of licenses, and the payments to be made for the issue and renewal of licenses;

(*iv*) the maintenance of records containing details of the acquisition and disposal by sale or otherwise of wireless telegraphy apparatus possessed by dealers in wireless telegraphy apparatus;

(*v*) the conditions governing the sale of wireless telegraphy apparatus by dealers in and manufacturers of such apparatus; and

(*vi*) constituting the authority referred to in section 5.

(3) In making a rule under this section, the Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees.

STATEMENT OF OBJECTS AND REASONS.

In order strictly to regulate the establishment and working of wireless apparatus in British India, the Indian Telegraph Act of 1885 was amended by Act VII of 1914. The establishment, maintenance or working of wireless telegraph apparatus was controlled under the Act by the issue of licenses. Unlicensed apparatus could not be detected unless they were located. Act XVII of 1933 was therefore passed in British India to prohibit the possession without license of wireless apparatus as distinct from their establishment, maintenance or working.

Though the Indian Telegraph Act has been made applicable to Mysore by Regulation IV of 1899, the amendments introduced in British India by Act VII of 1914 have not been adopted in Mysore. In view of the increasing

use of radio telegraph apparatus in Mysore, it is desirable to take statutory power to control and regulate in Mysore their possession, establishment, maintenance and working.

The main features of the bill are as follows:—

No person may establish, maintain, work or possess a wireless telegraph apparatus except under a license. Clause 3.

Power is, however, taken to exempt from license in certain causes such as those used for research purposes. Clause 4.

The condition and the fee for licenses will be prescribed by rules. Breach of any conditions will involve the revocation of the license and is also punishable with fine. Clause 5 (2).

Provision is also made for the control of the working of wireless telegraph apparatus and the sending and receiving of wireless communications in times of emergency or in the interest of public safety. Occasions may arise when such control would be necessary. Clause 6.

The establishment or possession of the apparatus without license is made punishable. Clauses 7 & 8.

Power of search is provided for as it is necessary for the proper enforcement of the Regulation. Clause 10.

Apparatus in respect of which an offence has been committed may be confiscated if the Court so orders it. Clause 11.

Provision is made for granting, out of the fine inflicted, any sum for the benefit of any broadcasting service as a contribution towards the cost of its maintenance in return for the benefit derived out of it. Clause 13.

Provision is made for the making of rules. Clause 14.

No. 2159—*L. C., dated Bangalore, 28th November* 1936.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Hindu Law is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Hindu Law.

Whereas it is expedient to amend the Hindu Law relating to exclusion from inheritance of certain classes